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REMARKS

Claims 1-9, 11-14, and 16-24 are pending in the application. Claims 17-24 were withdrawn from consideration as being drawn to non-elected subject matter. Claims 1, 2, 4, 11, 12, and 16 have been amended by the present amendment. The amendments are fully supported by the specification as originally filed (see, e.g., specification at page 16, last two paragraphs).

Claim 1 was objected to and rejected under 35 USC 112, second paragraph because of a lack of clear distinction between the preamble and claim limitations. As amended, claim 1 includes a preamble, the transitional phrase "comprising the sequential steps of", and a plurality of steps. It is believed that the amendments to claim 1 overcome the objection and rejection.

Claims 4 and 12 were rejected under 35 USC 112, first and second paragraphs. As amended, claims 4 and 12 require that the second format produces better reproduction quality than the first format, as described on page 17, second paragraph of the specification. Reproduction quality is defined in terms of recording density, modulation system, error correction system, and defect management system (see page 16, last paragraph).

Claims 11 and 16 were rejected under 35 USC 112, second paragraph, because of the term "predetermined recording system." Claims 11 and 16 have been amended to eliminate the term "predetermined recording system," thereby obviating the rejection.

Claims 9 and 14 were rejected under 35 USC 112, second paragraph, because the term "modulation system" was not understood (see Office Action, page 5, item 13). However, modulation system is described in the specification on page 17, third paragraph. Therefore, further amendment of claims 9 and 14 is not believed necessary. It is believed that Applicant has appropriately addressed and overcome all objections and rejections under 35 USC 112.

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Independent claims 1, 2, and 11 have been amended to recite that the first format and the second format (or m and n kinds of formats in claim 16) differ in at least one of recording density, error correcting system, and defect management system (see, e.g., specification at page 16, last paragraph).

With reference to FIG. 1, Applicant's claimed invention is directed to a method and apparatus for recording and reproducing information with respect to a recording medium, which records user information in a data recording region 12 and encryption information in an encryption data recording medium 11 on a single recording medium by the same recording system. The recording format for the encryption information differs from the recording format for the user information (see, e.g., specification at page 16, last two paragraphs), so that the user cannot overwrite the encryption information.

Applicant's invention can provide significant benefits. The use of a common recording system enables concurrent defect testing and encryption recording in the manufacture of a recording medium, for example, which reduces production time of the recording medium. Also, it is possible to make a test device for use in disc manufacture by simply adding a circuit to a recording and reproducing apparatus intended for general users, without replacing the laser diode or spindle motor, thereby enabling manufacture of a low cost recording medium manufacture device (see, e.g., specification at page 12, lines 5-11; and page 32, lines 5-23).

Claims 1-3, 6-8, 11, and 16 were rejected under 35 USC 102(b) as being anticipated by European Publication 0 989 553 to Hirata et al. (hereinafter "Hirata"). Claims 4, 5, 9, and 12-14 were rejected under 35 USC 103(a) as being unpatentable over Hirata in view of "Official Notice." Claims 10 and 15 were rejected under 35 USC 103(a) as being unpatentable over Hirata in view of "Official Notice," and further in view of the Pfleeger publication. These rejections are respectfully traversed.

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Hirata does not teach or suggest a method or apparatus in which encryption information is recorded in a different format than user information, where the formats differ from each other in at least one of recording density, error correcting system, and defect management system.

Referring to paragraphs 0062, 0065, and 0071 of Hirata, as cited in the Office Action, user data is recorded in a data area 1, and characteristic information DI is recorded "into a specific area" or at the time the disk is manufactured (see also paragraph 0063). The characteristic information DI can include "a unique identifier" to distinguish a particular disk from other disks, and is recorded in any specific area of the disk (see paragraph 0064).

In Hirata, although the characteristic information DI is recorded in a specific area of the disk, the specific area is not required to be a separate area from where user data is stored. Moreover, there is no teaching or suggestion that the user data and characteristic information DI are stored in different formats based on at least one of recording density, error correcting system, and defect management system.

For at least the reasons discussed above, the Hirata reference does not anticipate or otherwise render obvious the Applicant's claimed invention. Therefore, independent claims 1, 2, 11, and 16, and their respective dependent claims, are patentable over Hirata.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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